

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

JANICE M. RIORDAN,

Plaintiff,

v.

SEASIDE CHIC GALVESTON, LLC,  
MICHAEL SUIS, AND DENA SUIS,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE:

JANICE M. RIORDAN, files this Original Complaint complaining of SEASIDE CHIC GALVESTON, LLC, MICHAEL SUIS, and DENA SUIS, and for her cause of action shows as follows:

**PARTIES**

1. Plaintiff Janice M. Riordan ("Riordan") is an individual who resides in Venice, Florida.

2. Defendant Seaside Chic Galveston, LLC ("SCG") is a limited liability company organized under the laws of the State of Texas that operates SEASIDE CHIC retail store in Galveston, Texas. SCG may be served with this Original Complaint by and through its Registered Agent, Michael Suis, at 4002 Broadway, Galveston, Texas 77550. Defendants Michael Suis and Dena Suis, are individuals believed to be the owners of Defendant SCG, who operated this retail store in Galveston prior to the formation of Defendant SCG. Both Michael Suis and Dena Suis may be served at 4002 Broadway, Galveston, Texas. Sometimes Defendant

SCG, Defendant Michael Suis, and Defendant Dena Suis are collectively referred to as Defendants.

### **JURISDICTION AND VENUE**

3. The Court has federal question subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff Riordan asserts claims for damages pursuant to the Trademark Act of 1946, as amended, 15 U.S.C. § 1051, *et seq.* (the “Lanham Act”).

4. Defendant SCG is organized under the laws of the State of Texas and operates its “brick and mortar” SEASIDE CHIC Galveston retail store in Galveston, Texas and as such is subject to personal jurisdiction in this District. Further, as Defendant SCG is a Texas resident, venue is proper in this District pursuant to 28 U.S.C. § 1391. Upon information and belief, Defendants Michael and Dena Suis are the current owners of Defendant SCG, reside in the greater Galveston, Texas area, and prior to the formation thereof, individually operated the SEASIDE CHIC retail store in Galveston, Texas. This Court has personal jurisdiction over Defendants Michael and Dena Suis and venue is proper in this District per 28 U.S.C. § 1391. Also, substantial events giving rise to this action, including actual infringement as set forth herein, have occurred in the Southern District of Texas, such that venue is proper in the Southern District of Texas pursuant to 28 U.S.C. § 1391.

### **PLAINTIFF’S RIGHTS**

5. Plaintiff Riordan is the owner of all right, title, and interest in and to United States Service Mark Registration No. 3,517,767 (the “’767 Registration”) for “SEASIDE CHIC” as registered on October 14, 2008 for “retail store service in the field of home furnishings and related accessories” and “interior decorating services.” This mark is incontestable, valid, and subsisting. A true and accurate copy of the ‘767 Registration is attached hereto as Pleading

Exhibit A.

6. Plaintiff Riordan is the owner of all right, title, and interest in and to the “SEASIDE CHIC” related marks and the domain [www.shopseasidechic.com](http://www.shopseasidechic.com) and all appertaining good will and possesses all rights of recovery under the ‘767 Registration, including the right to recover damages for past infringement.

7. Plaintiff Riordan is the 100% owner of Seaside Chic, LLC, a Florida limited liability company that operates a “bricks and mortar” retail home furnishings store at 217 West Venice Avenue, Venice, Florida 34285. This retail store is licensed by Plaintiff Riordan to provide “SEASIDE CHIC” retail store services in the field of home furnishings and related accessories and interior decorating services and has been doing so since January 2008.

8. Furthermore, since about 2008, Plaintiff Riordan has licensed Seaside Chic, LLC to operate its website, [www.shopseasidechic.com](http://www.shopseasidechic.com), for the marketing and promotion of retail sales of its various home furnishings and accessory products and interior decorating services. Subsequently, Plaintiff Riordan through this website, has nationally marketed, promoted, and sold various home furnishings and related accessories. Plaintiff Riordan has made sales to Texas residents. Exemplar pages from this website and proofs of advertising published in the nationally distributed *Sarasota Magazine* are attached hereto as Pleading Exhibit B.

9. Indeed, Plaintiff Riordan has continued to expand her “SEASIDE CHIC” mark. Plaintiff Riordan owns 100% of Seaside Chic Boutique, LLC, a Florida limited liability company, which operates Plaintiff Riordan’s licensed “SEASIDE CHIC” boutique. Since about mid-2012, “SEASIDE CHIC” boutique has sold fine women’s apparel and related accessories. The “SEASIDE CHIC” boutique is located just blocks away from the SEASIDE CHIC home furnishings store. Seaside Chic Boutique, LLC is also licensed by Plaintiff Riordan to promote

its goods and services via [www.seasidechicboutique.com](http://www.seasidechicboutique.com) website. Exemplar pages from this website and a proof of an advertisement published in the nationally distributed *Sarasota Magazine* are attached hereto as Pleading Exhibit C.

10. Plaintiff Riordan, through her retail operations, has open, notoriously, and continuously operated her SEASIDE CHIC retail store services.

11. Plaintiff Riordan has developed a fine reputation and good will as associated with her SEASIDE CHIC mark and in providing retail store services in the field of home furnishings and related accessories and interior decorating service through Seaside Chic, LLC and retail store services in the field of fine women's apparel and related accessories through Seaside Chic Boutique, LLC.

#### **DEFENDANTS' ACTIONS**

12. Upon information and belief, Defendant SCG was formed in Texas on or about February 18, 2015.

13. Upon information and belief, Defendant SCG currently operates the "SEASIDE CHIC" home furnishing store located at 4002 Broadway Street, Galveston, Texas. Upon information and belief, prior to the formation of Defendant SCG, the principals of Defendant SCG, Defendants Michael and Dena Suis, operated this retail store since about mid-2014 (see Pleading Exhibit D).

14. In about late January 2015, Plaintiff Riordan notified Defendants that they were infringing Plaintiff Riordan's rights in and to her "SEASIDE CHIC" mark as used in association with its home furnishings store services. In blatant disregard, Defendants have continued to operate and expand their SEASIDE CHIC home furnishings and related accessories store operations in Galveston, Texas. It is noteworthy that Defendant SCG was formed after

Defendants received notice of infringement from Plaintiff Riordan. Further, in blatant disregard of Plaintiff Riordan's rights, Defendants operate two internet sites where they promote and advertise their SEASIDE CHIC retail store services. See [www.seasidechicgalveston.com](http://www.seasidechicgalveston.com) – exemplar pages from this website are attached as Pleading Exhibit E, and [www.coastaldecorgalveston.com](http://www.coastaldecorgalveston.com) – exemplar pages from this website are attached as Pleading Exhibit F. The *Google* search of Pleading Exhibit G shows how a search for “SEASIDE CHIC” misassociates Defendant SCG's retail store with those of Plaintiff Riordan. Lastly, Defendant SCG's predecessors, Defendants Michael and Dena Suis, falsely advertised on *Facebook* that they were SEASIDE CHIC – when in fact they were not – requiring action by Plaintiff Riordan as shown in Pleading Exhibit H.

### **CAUSES OF ACTION**

#### **COUNT 1—FEDERAL TRADEMARK INFRINGEMENT**

15. Plaintiff Riordan repeats and realleges the allegations of ¶¶ 1-14 as if fully set forth herein.

16. Upon information and belief, Defendants have infringed and are infringing Plaintiff's '767 Registration and her related “SEASIDE CHIC” mark under 15 U.S.C. § 1114 by Defendants' use in commerce without authority or consent of Plaintiff Riordan, a colorable imitation of Plaintiff Riordan's '767 Registration upon or in connection with the sale, distribution, advertising of goods, products and/or services, which use is likely to cause confusion, or to cause mistake or to deceive. Indeed actual marketplace confusion has occurred.

17. Defendants' use of “SEASIDE CHIC” in providing their home furnishings retail store services is an infringement of Plaintiff's rights, as potential customers will likely improperly associate or confuse Defendants' services with the services provided by Plaintiff's

licensed “SEASIDE CHIC” stores.

18. Plaintiff Riordan has been damaged as a result of Defendants’ infringing conduct. Thus, Defendants are liable to Plaintiff Riordan for her damages in an amount adequately to compensate Plaintiff Riordan for its infringement. 15 U.S.C. § 1117(a). Plaintiff Riordan is also entitled to recover Defendants’ profits obtained as a result of Defendants’ wrongful acts, including but not limited to multiple damages or discretionary profits occasioned as a result of such infringement, *id.*, as well as recovery of Plaintiff Riordan’s reasonable attorney’s fees in this exceptional case of blatant copying and total disregard following notice. *Id.* Plaintiff Riordan is entitled to enjoin such acts of Defendants’. 15 U.S.C. § 1116.

#### **COUNT 2—FEDERAL UNFAIR COMPETITION**

19. The allegations of ¶¶ 1-18 above are hereby incorporated herein by reference.

20. The acts of Defendants complained of herein constitute unfair competition in violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125(a)(1).

21. Plaintiff Riordan, is entitled to injunctive relief, 15 U.S.C. § 1116, and to recover at least Defendants’ profits, or such discretionary amount as the Court may find to be just due to blatant copying and disregard of Plaintiff Riordan’s rights. 15 U.S.C. § 1117(a).

22. As this is an exceptional case, Plaintiff Riordan is entitled to an award of her reasonable attorney’s fees. 15 U.S.C. § 1117(a).

#### **JURY DEMAND**

Pursuant to Rule 38(b) F.R.C.P. Plaintiff Riordan demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Riordan prays that judgment be entered against Defendants finding and awarding Plaintiff Riordan the following:

1. A declaration that Defendants have infringed and are infringing Plaintiff's '767 Registration and mark for "SEASIDE CHIC;"
2. All damages suffered by Plaintiff Riordan per 15 U.S.C. 1117(a);
3. Defendants' profits be awarded to Plaintiff Riordan as a result of the infringement and wrongful conduct of Defendants' per 15 U.S.C. § 1117(a);
4. In accordance with the circumstances of this case, three times Plaintiff Riordan's damages be awarded to Plaintiff Riordan per 15 U.S.C. § 1117(a);
5. If the Court finds that Defendants' profits are an inadequate recovery, such sum as the Court shall find to be just per 15 U.S.C. § 1117(a);
6. A finding that this case is exceptional, and accordingly awarding Plaintiff Riordan her reasonable attorney's fees per 15 U.S.C. § 1117(a);
7. An injunction enjoining all future use by Defendants of "SEASIDE CHIC" or any other mark confusingly similar to Plaintiff's "SEASIDE CHIC" mark per 15 U.S.C. § 1116(a);
8. The destruction of all of Defendants' labels, signage, related advertising, business literature, internet usage bearing the "SEASIDE CHIC" mark or any mark confusingly similar thereto per 15 U.S.C. § 1118;
9. All costs of this action;
10. Prejudgment and post-judgment interest as allowed by law; and
11. All such other further relief at law or in equity to which Plaintiff Riordan may be entitled.

Dated: May 14, 2015.

Respectfully submitted,

/s/ Richard L. Schwartz  
Richard L. Schwartz  
Attorney-in-Charge  
Texas Bar No. 17869500  
Southern District Bar No. 20448  
[rschwartz@whitakerchalk.com](mailto:rschwartz@whitakerchalk.com)  
Lead Counsel in Charge

Thomas F. Harkins, Jr.  
Texas Bar No. 09000990  
Southern District Bar No. 28201  
[tharkins@whitakerchalk.com](mailto:tharkins@whitakerchalk.com)

301 Commerce Street, Suite 3500  
Fort Worth, Texas 76102  
Phone: (817) 878-0500  
Fax: (817) 878-0501

Of Counsel:  
**WHITAKER CHALK SWINDLE  
& SCHWARTZ PLLC**  
301 Commerce Street, Suite 3500  
Fort Worth, Texas 76102  
Phone: (817) 878-0500  
Fax: (817) 878-0501

**ATTORNEYS FOR PLAINTIFF  
JANICE M. RIORDAN**